

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Raghavender Mallannagari,)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 1352
)	Judge Wayne R. Andersen
GSS America, Inc., <i>et al.</i>)	
(Richard Capalby))	
Defendants.)	

DEFENDANT CAPALBY'S MOTION TO DISMISS COMPLAINT

Defendant, **RICHARD CAPALBY**, by and through his attorney, **PAUL M. BRAYMAN**, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves for dismissal of Plaintiff's Complaint and in support thereof states as follows:

1. Defendant Capalby moves to adopt the Joint Motion to Dismiss filed by Defendants Marepally and Patel at Docket No. 12.
2. Defendant, like Defendants Marepally and Patel, is named as an individual defendant in each count of the complaint. A copy of the complaint is attached as Exhibit A.
3. Defendant submits that the arguments made on behalf of Defendants Marepally and Patel apply equally to him. As such, Defendant moves to adopt those arguments.

WHEREFORE, Defendant respectfully requests that this Court enter its order dismissing Plaintiff's complaint.

s/ Paul M. Brayman
PAUL M. BRAYMAN, Attorney for
Defendant Richard Capalby.

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CERTIFICATE OF SERVICE

I hereby certify that foregoing Defendant Capalby's Motion to Dismiss Complaint was served on May 4, 2009, in accordance with Fed.R.Civ.P.5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

s/ Paul M. Brayman

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